

**Objection to the Issuance of Final NPDES Permit No. IN0062031,  
Forest Green Wastewater Treatment Plant, Clark County, Indiana.  
2008 OEA 67 (04-W-J-3318)**

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**OFFICIAL SHORT CITATION NAME:** When referring to 2008 OEA 67 cite this case as  
*Forest Green Wastewater, 2008 OEA 67.*

**TOPICS:**

mootness  
permit  
treatment plant  
IC 4-21.4-3-27  
IC 4-21.5-5-5  
IC 4-21.5-7.5

**PRESIDING JUDGE:**

Gibbs

**PARTY REPRESENTATIVES:**

Petitioner: Rita Baldwin, Esq.  
Intervener: J. David Agnew, Esq.  
Respondent: Jay Snider  
Petitioners: Michael Gillenwater, Esq.  
IDEM: Nancy Holloran, Esq.

**ORDER ISSUED:**

June 26, 2008

**INDEX CATEGORY:**

Water

**FURTHER CASE ACTIVITY:**

[none]

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6. The IDEM notified the Permittee/Respondent that it would terminate the permit effective 18 days from July 3, 2007, the mailing date of this letter.
7. Thereafter, PBI Bank, Inc. filed its petition for review of the termination. This was assigned Cause No. 07-W-J-3944.
8. This Court dismissed PBI Bank's objections in Cause No. 07-W-J-3944 on June 26, 2008.

**Conclusions of Law**

1. The Office of Environmental Adjudication ("OEA") has jurisdiction over the decisions of the Commissioner of the Indiana Department of Environmental Management ("IDEM") and the parties to this controversy pursuant to IC 4-21.5-7, *et seq.*
2. This is a Final Order issued pursuant to IC 4-21.4-3-27. Findings of Fact that may be construed as Conclusions of Law and Conclusions of Law that may be construed as Findings of Fact are so deemed.
3. "When a dispositive issue in a case has been resolved in such a way as to render it unnecessary to decide the question involved, the case will be dismissed." *Travelers Indem. Co. v. P.R. Mallory & Co.*, 772 N.E.2d 479, 484 (Ind. App. 2002). "A case is deemed moot when there is no effective relief that can be rendered to the parties by the Court." *A.D. v. State*, 736 N.E.2d 1274, 1276 (Ind. App. 2000). In this case, it is impossible for the Court to order any relief for the Petitioners as the permit has been terminated and PBI Bank's objections to the termination have been dismissed. Dismissal of this matter is appropriate.

**FINAL ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Petition for Administrative Review filed by the Petitioners is hereby dismissed for mootness.

You are hereby further notified that pursuant to provisions of IC 4-21.5-7.5, the Office of Environmental Adjudication serves as the Ultimate Authority in the administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

**IT IS SO ORDERED** this 26th day of June, 2008 in Indianapolis, IN.

Hon. Catherine Gibbs  
Environmental Law Judge